

**Submission by the United States of perspectives on the post-2020 process
for the Cartagena Protocol on Biosafety
15 April 2019**

(1) The structure and content of the Implementation Plan for the Cartagena Protocol on Biosafety (CPB) post-2020

The United States provides several general suggestions that may be useful when considering the structure and content of the Implementation Plan for the CPB post-2020.

- A. **Forum for Discussing Benefits:** The preamble of the CPB recognizes “that modern biotechnology has great potential for human well-being if developed and used with adequate safety measures for the environment and human health.” This language echoes themes within Article 19 of the Convention on Biological Diversity (CBD), which states that “each contracting Party shall take all practicable measures to promote and advance on a fair and equitable basis by Contracting Parties, especially developing countries, to the results and benefits arising from biotechnologies” (Article 19, paragraph 2).

In light of these themes, it is the U.S. view that the Implementation Plan for the CPB post-2020 should work to identify those living modified organisms (LMOs) that have benefited the conservation and sustainable use of biological diversity. A wealth of knowledge and experience exists within the international community regarding the safe and beneficial use of biotechnology, and we consider that future activities under the CPB could identify and share those experiences, in order to better inform implementation of the CPB and public awareness activities under Article 23, and to more accurately convey the range of experiences that countries have with LMOs.

- B. **Role of the CPB:** We believe that the structure and content of the post-2020 Implementation Plan should adhere to the scope of the CPB and could assess its work in relation to that of other internationally binding agreements – including those under the World Trade Organization. We consider that post-2020 activities could also support the provisions within Article 14, which provide that Parties may enter into other bilateral, regional, and multilateral agreements to accomplish conservation goals that are consistent with the CPB. In our view, effective coordination of the CPB with other international agreements could reduce redundancies and duplicative efforts.
- C. **Maximizing Implementation:** In the past ten years, activities under the CPB and the workload these activities generate has increased. In support of these efforts, and keeping in mind the need to maintain forward momentum related to implementation of the CPB, we believe there may be ways to maximize implementation using various approaches including: considering simpler agendas with fewer items to allow for deeper exchanges on those items; considering the number of meetings intersessionally; and considering the periodicity of meetings to leverage the greatest number of optimal outcomes related to the CPB.

(2) **Possible elements of a specific action plan for capacity-building on biosafety, covering the Cartagena Protocol and its Supplementary Protocol**

Several elements may be useful to support capacity building on biosafety.

- A. **Implementation of Article 7:** Paragraph four of Article 7 states: “the advance informed agreement shall not apply to the intentional transboundary movement of LMOs identified in a decision of the COP-MOP as being not likely to have adverse effects on the conservation and sustainable use of biological diversity”.

We consider that increased implementation of exemptions under the provisions of Article 7 of the CPB would allow countries to increase the accrual of the benefits of modern biotechnology as well as reduce import barriers for safe LMOs that are actively traded in commercial channels. We believe that several actions could support implementation of paragraph four in Article 7:

- Identify the numerous existing examples of LMOs that are widely considered to be unlikely to adversely affect biodiversity based on a history of multiple evaluations and uses in the environment, such as the LM virus used for the control of rabies in mammal populations and the various LM plants that have been evaluated and used successfully in many countries.
- Recommend a COP-MOP decision that identifies specific LMOs or even types of LMOs as being not likely to have adverse effects on biological diversity.
- Use examples identified in this decision to develop criteria for LMOs that are not likely to have adverse effects on the conservation and sustainable use of biological diversity, in order to support this process on an iterative basis under the provisions of Article 7 of the CPB and in relevant provisions of domestic biosafety frameworks.

- B. **Implementation of Article 13:** Article 13 provides a mechanism to implement a simplified procedure for the safe intentional transboundary movement of LMOs. We believe that implementing these procedures would allow countries to further reduce import barriers for safe LMOs and focus their resources on LMOs that are most likely to have an adverse impact on the environment. Data found within the Third National Reports indicates that most countries have not successfully implemented a simplified procedure as outlined within Article 13. We believe that a few important actions could support progress on this article:

- Creation of a list of practical examples for implementing the simplified procedure, including increased use of relevant environmental reviews in other countries.
- Leveraging work under Article 13 to inform exemptions identified for Article 7.

- C. **Activities that serve Article 35:** In order to maximize implementation of the CPB, we believe that activities under Article 35 could solicit feedback on a wider range of activities. Some mechanisms to support these efforts could include:

- Assessment of intersessional activities, including ad hoc technical expert group (AHTEG) meetings, online forums, and maintenance of the biosafety clearing house (BCH).
- Usage of online forums to solicit feedback from governments and relevant stakeholders on progress in reaching the post-2020 goals.
- Inclusion of survey questions in the National Reports that invite countries to submit perspectives on CPB intersessional activities.

(3) Relevant elements of the biosafety component of the post-2020 global biodiversity framework

For several years, the CPB has focused intersessional activities on supporting countries in conducting risk assessment of LMOs. However, many countries do not have experience with how to proceed once a risk assessment has been completed and found that an LMO is not likely to have an adverse impact on the conservation and sustainable use of biological diversity. We consider that several elements may be useful to support this critical portion of the biosafety component of the post-2020 framework.

- A. **Streamlining procedures under the CPB:** For smaller countries with limited resources, carrying out the activities under Articles 7, 13, and 14 (as described above) could help streamline CPB requirements for those LMOs that are unlikely to have an adverse impact on the conservation and sustainable use of biological diversity. This would allow countries to more effectively dedicate their resources to LMOs for which there is less international experience in conducting safe transboundary movement.
- B. **Communication:** In order to increase understanding among stakeholders and reduce confusion regarding the safety of LMOs, activities under Article 23 should also consider how to engage with stakeholders regarding the large number of LMOs that the international community has already evaluated and concluded to be unlikely to have adverse impacts on biological diversity. It is important for countries to develop strategies to communicate accurately and effectively with the entire spectrum of stakeholders regarding LMOs that have successfully completed a biosafety assessment.